REMARKS/ARGUMENTS

Claims 1-22 are pending in this application. Claims 3 and 12 have been amended by this Amendment.

The Office Action dated October 4, 2005 objected to claim 3 because of an informality and rejected claim 12 as being indefinite under 35 USC 112, second paragraph. The Office Action also rejected claims 1-22 under 35 U.S.C. 102(e) as being anticipated by prior art.

Objection to Claim 3

The grounds for the objection to claim 3 is set forth in part 1 on page 2 of the Office Action. Specifically, claim 3 is objected to because of an informality in which the word "entity" is misspelled at line 20. Correction was required by the Office Action and has been made by this Amendment.

Indefiniteness Rejection

The grounds for the rejection of claim 12 as being indefinite under 35 USC 112, second paragraph, is set forth in part 3 on page 2 of the Office Action. Specifically, the claim is rejected on the grounds that the recited prefix structure is unclear, and the connection between the "data frame" and the "additional data entity" is not explained. Claim 12 has been amended by inserting "...comprising data generated by said additional data entity..." to specify the data frame and to provide the lacked association. Applicants thus have amended claim 12 in a manner that is believed to overcome the rejection.

Anticipation Rejection

The grounds for the anticipation rejection of claims 1-22 is set forth in part 5 on pages 2-8 of the Office Action. Specifically, the claims are rejected as being anticipated by the system illustrated in Figs. 7-11, 19 and 37 of U.S. Patent No. 6,850,495 issued to Baum et al. (this system is hereinafter referred to merely as "Baum"). Applicants respectfully traverse the

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rejection on the grounds that it fails to establish a prima facie case that Baum includes each and every one of the combination of features recited in the claims.

As a first example, the claims are directed to facilitating communication of data frames between first and second elemental devices of a network element. Claim 1 is directed to the apparatus for the first elemental device, wherein the first and second elemental devices are "respectively, connected together by way of a network path and upon which at least selectably to communicate a payload data stream and a management data stream upon a common transport stream". Claims 3 is directed to apparatus for facilitating communication of data sourced at a first net entity, at least from the first elemental device to the second elemental device. Claim 18 is directed to a method for communicating at a network element having a first elemental device and at least a second elemental device, and recites substantially similar first and second elemental devices. As made clear from the specification, a network element that is the subject in the claims may be (but is not limited to) an IP (Internet Protocol) base transceiver station of a radio communication system, and the elemental devices of the IP base transceiver station may be a multi-port interface converter and a router device connected by way of an Ethernet connection.

The rejection states that ingress access router 812a and egress access router 812b in Baum are first and second elemental devices as recited in the claims. However, in Baum, services and applications are separated from transport. See Fig. 8 in the patent, of which Fig. 9 is an example. The ingress access router 812a and egress access router 812b in Baum are thus two network elements in a network, rather than two parts of a single network element, as recited in the claims.

Secondly, claim 1 also recites that an improvement of apparatus for the first element device comprises "a frame encapsulator coupled to receive data to be communicated to the second elemental device, said frame encapsulator for frame-formatting the data into common-transport-stream-related frames". Claims 3 and 18 recite the substantially similar feature.

The rejection states that this feature is found in the encapsulate function 1930 of Baum. However, functional block 1930 of Baum is not concerned with transport frames. Instead, a packet is encapsulated with information of a certain layer 3 and then certain service level bits are set. Baum is thus concerned with packets at function 1930, whereas the claims explicitly recite a frame encapsulator and frame-formatting into common-transport-stream-related frames. Thus,

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the rejection does not take into consideration that two entirely different terms "frame" and "packet" are being addressed in the claims on one hand and in Baum on the other hand.

The rejection further states (at least with respect to claims 12 and 16) that certain recited features related to tagging of frames, and indicating frames merely to be received at the first element device, are inherent in Baum. Specifically, the rejection states that it "is inherent that the Access Router generates data frames such as management messages in order to communicate its status with Administration Entity 1092 in Figure 10, wherein such control messages would be "not tagged" since they do not originate from a logical ingress port, i.e., the data frame in Figure 37 would not have the Logical Ingress Port field populated)." Applicants respectfully disagree with this statement, and request that prior art or other documents be provided to support the statement or the rejection based on presumptions and alleged inherencies be withdrawn.

The object of Baum is to limit or control access to various services, and thus perform a firewall function in a system or network. The object in Baum is not the facilitating of communication of data frames between elemental devices of a multiple-device network element. There appears to be no reason to make the presumption of the above quoted statement were it not for the hindsight provided by this application. In Baum, the providing of a firewall function is the object of the invention, and is described as it must in the detailed description of the patent where communicating elements of the network provide the protective function by transmission of packets.

Conclusion

Applicants respectfully submit that the claims are allowable for at least the reason provided above. A Notice of Allowance is respectfully requested.

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Atty Docket No. NOKIA.1001US

Please charge any fees due in connection with the filing of this Amendment, to Deposit Account No. 10-0100 (Docket. No. NOKIA.1001US) and please credit any overpayment or excess fees to such deposit account.

Respectfully submitted,

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